

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

OFFICE OF SPECIAL MASTERS

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CARLY IRIS DUNCAN, a minor, by her	*	
parents and natural guardians, CARL and	*	
STACEY DUNCAN,	*	
	*	No. 99-455V
Petitioner,	*	Special Master Christian Moran
	*	
v.	*	
	*	
SECRETARY OF HEALTH AND	*	Filed: August 31, 2007
HUMAN SERVICES,	*	
	*	
Respondent.	*	

\* \* \* \* \*

Clifford Shoemaker, Esq., Shoemaker & Associates, Vienna, Virginia for Petitioner;  
Melonie McCall, Esq., U.S. Department of Justice, Washington, D.C., for Respondent.

UNPUBLISHED DECISION<sup>1</sup>

**MORAN:** Special Master.

On August 16, 2007, the parties filed a joint stipulation concerning the injuries received by Carly Duncan. On July 13, 1999, Carl and Stacey Duncan filed a petition for compensation

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<sup>1</sup> Because this unpublished decision contains a reasoned explanation for the special master's action in this case, the special master intends to post it on the United States Court of Federal Claims's website, in accordance with the E-Government Act of 2002, Pub. L. No. 107-347, 116 Stat. 2899, 2913 (Dec. 17, 2002).

Vaccine Rule 18(b) states that all decisions of the special masters will be made available to the public unless they contain trade secrets or commercial or financial information that is privileged and confidential, or medical or similar information whose disclosure would clearly be an unwarranted invasion of privacy. When such a decision or designated substantive order is filed, petitioner has 14 days to identify and to move to delete such information before the document's disclosure. If the special master, upon review, agrees that the identified material fits within the banned categories listed above, the special master shall delete such material from public access.

Petitioner is reminded that, pursuant to 42 U.S.C. § 300aa-12(d)(4) and Rule 18(b)(2) of the Vaccine Rules of this Court, within fourteen days of this decision, she may object to the public disclosure of any material including "medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of privacy."

under the National Vaccine Injury Compensation Program, 42 U.S.C. § 300aa-10, et seq., on behalf of their daughter Carly. Their petition sought compensation for Carly experiencing an adverse reaction in the form of delayed motor development and abnormal leg posturing as a result of receiving the hepatitis B vaccine on April 17, May 4, August 14, and October 7, 1998.

Respondent denies that Carly's injuries were caused by the hepatitis B vaccine. Nevertheless, the parties agree to the joint stipulation, attached hereto as Appendix A. The undersigned finds said stipulation reasonable and adopts it as the decision of the Court in awarding damages, on the terms set forth therein.

Damages awarded in that stipulation include:

- (a) **A lump sum of \$20,000.00 in the form of a check payable to Petitioners as legal representatives of Carly Iris Duncan.** This amount represents compensation for all damages that would be available under 42 U.S.C. § 300aa-15(a).

In the absence of a motion for review filed pursuant to RCFC, Appendix B, the clerk is directed to enter judgment in case 99-455V in accordance with this decision and the attached stipulation.

Any questions may be directed to Shana Z. Siesser, at (202) 357-6358.

**IT IS SO ORDERED.**

S/ Christian. J. Moran

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Christian J. Moran  
Special Master